



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji NISHI

Group Art Unit: 2851

Application No.: 10/026,909

Examiner: H. Nguyen

Filed: December 27, 2001

Docket No.: 111586

For: MANUFACTURING METHOD IN MANUFACTURING LINE, MANUFACTURING METHOD FOR EXPOSURE APPARATUS, AND EXPOSURE APPARATUS

#10
6-25-03
JPN

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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In reply to the May 27, 2003 Restriction Requirement, Applicant provisionally elects Group III, claims 11-21, with traverse.

In support of the Restriction Requirement, the Office Action asserts that Groups I, II and III "are related as process of making and product made." Applicants respectfully disagree since all claims 1-21 of these identified Groups are drawn to a manufacturing method, as acknowledged in the listing of Groups I-IV in the Office Action.

Further, the Office Action asserts that Groups I-III and IV "are related as process and apparatus for its practice." Applicants respectfully disagree since claims 23-34 of Group IV are drawn to an exposure apparatus that is not for practicing the manufacturing methods recited in claims 1-21 of Groups I-III.

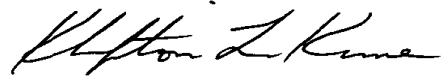
Therefore, the rationale in support of the Restriction Requirement provided in the Office Action is inapplicable to the identified Groups of claims. Thus, it is respectfully submitted that the Office Action fails to establish a proper basis for restriction.

Furthermore, at least Groups II and III do not have a separate classification, both being classified in class 355, subclass 77. Therefore, at least these Groups of claims have not acquired a separate status in the art.

It is also respectfully submitted that the subject matter of all claims 1-34 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: June 18, 2003

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